

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14662 of the Amoco Oil Company, pursuant to 11 DCMR 3107.2 and 3108.1, for a variance from the rear yard requirements (Sub-section 774.1), and a special exception to modify and extend the use of a gasoline station (Sub-section 726.1) in a C-2-A District at premises 1315-1327 - 9th Street, N.W., (Square 399, Lots 65 and 813).

HEARING DATE: September 16, 1987

DECISION DATE: October 7, 1987

FINDINGS OF FACT:

1. The site, known as premises 1315-1327 - 9th Street, N.W., is located on the east side of 9th Street between N Street and O Street, N.W. The site is located in the C-2-A District.
2. The site is comprised of Lots 65 and 813 in Square 399 and contains approximately 12,557 square feet of land area. It is bordered to the east by a ten foot wide public alley.
3. The C-2-A District extends along 9th Street from L Street to north of P Street. C-2-B and R-5-C zoning exists beyond the site to the east, and R-4 and C-2-A zoning exists beyond the site to the west. The neighborhood surrounding the site consists of a restaurant, delicatessen, liquor store, a check cashing store, a commercial parking lot, two churches and a number of vacant two and three story structures in the same block. Across the street and in the vicinity is another delicatessen, a Giant supermarket, a beauty shop, a medical suppliers office, a United Way office and several vacant two and three story structures. Adjoining the service station building to the north, on Lot 813, is a two-story commercial building owned by Efforts for Ex Convicts, Inc. Abutting the site to the south is a liquor store. There are no other gasoline stations in the immediate area.
4. The applicant is seeking a special exception and variance under the above cited sections in order to upgrade and modernize the existing facility. Lot 65 is presently occupied by a one-story structure used as a gasoline station and convenience food store. The existing gasoline station operation was approved by the Board of Zoning Adjustment (BZA) in 1979 in Application No. 12936. The prior BZA Order

indicates that the property was used as a private gasoline service station from 1958 to 1979 and was converted to a public service station in 1979. The existing self-serve gasoline station operation offers for sale motor fuel and lubricants, but does not include incidental servicing or repair of vehicles, or installation of automobile accessories. The convenience store use is a matter-of-right use which does not require BZA relief.

5. The northern portion of the existing building on Lot 65 is a garage used for storage and the southern portion of the building contains office and convenience store space. The existing gasoline station building faces south and abuts the western boundary line of the property. To the south of the gasoline service station building on Lot 65 are the pump islands, which are parallel to 9th Street, and are covered by a canopy. All of the pump islands provide self-service.

6. The applicant proposes to demolish all existing improvements on the site. In their place, the applicant proposes to construct a modern gasoline station with a small convenience store. The convenience store building will be a 44 foot by 19 foot building where convenience food items will be sold. The building will also contain the cashiers booth plus coolers, and toilet and storage areas. The main food sales area will measure approximately 16 feet by 19 feet. There will be no cooking on the premises. The building will be centered along the eastern boundary of the property. There will be four new pump islands, each with one self-serve multi-hose dispenser capable of serving one car on each side of the island. A 32 foot by 70 foot canopy will be constructed over the pump islands. The pumps and the canopy will be located in the center of the site and will be parallel to 9th Street. The canopy will be lighted and will allow the pumping of gas in all weather conditions.

7. Two twenty-five foot wide curb cuts at the northern and southern boundaries of the property will provide vehicular access to the site. The applicant proposes to repave the sidewalk and install new curb cuts.

8. The gasoline station is located in its entirety in excess of 25 feet from the closest residence district and is separated therefrom by a public alley. All vehicular entrances are in excess of 25 feet from the closest residence district. All driveways are located more than 40 feet from the intersections of 9th and N Streets, N.W. and 9th and O Streets, N.W., as measured from the intersection from the curb lines extended. There will be no hoist or grease pits associated with this use.

9. The proposed renovation is intended to improve traffic conditions related to the site. The two new proposed

entrance driveways will be farther apart than the existing curb cuts, thereby facilitating ingress and egress to the site. Internal circulation will be improved as traffic will no longer be compressed into the south portion of the site and a larger lot area will be available to maneuver vehicles.

10. The lighting will be confined to the site and all lighting will be oriented downward so as to not adversely affect neighboring properties.

11. The property will be bordered on the north, east and south sides by a six foot high chain link fence with redwood slats. The trash area will be enclosed with the same type of fencing, and will include gates for access to the dumpster. The property will be landscaped.

12. The building on the site will contain 865 square feet of gross floor area, and will require three parking spaces. Six spaces are shown on the site plans submitted in this case. All spaces are designed to be accessible at all times.

13. The property is constricted by the existing right-of-ways to the east and west, which prevent the site from becoming any wider. The proposed construction is designed to provide the maximum vehicular maneuvering space for the site.

14. The site is approximately 30 feet longer than it is wide, the most efficient positioning of the gasoline pump islands is in the center of the site, parallel to 9th Street, so that traffic can travel across the longer portion of the site. If the building were moved west seven feet towards the middle of the site to meet the rear yard requirements, it would encroach into the traffic lanes and restrict the safe and efficient flow of traffic on the site.

15. The seven foot space behind the service station building would be too small to be used for any useful purpose, and would likely collect debris and pose security problems. The area will be screened from the properties beyond the public alley to the east by a fence. The turning radius for vehicles entering and exiting the service station would be restricted if the building were constructed on the north or south property lines.

16. The application was referred to the Office of Planning (OP). OP did not submit a report on the application.

17. By memorandum dated September 4, 1987, the Department of Public Works (DPW) stated that it had no objection to the proposal. The DPW stated that the proposed modification represents an improvement in its circulation system and

not an increase in the capacity of the gas station. The Board concurs with DPW's findings.

18. Advisory Neighborhood Commission (ANC) 2C, by letter dated September 9, 1987, recommended approval of the application. The ANC letter noted that the applicant agreed to delete from the plans the barbed wire along the fence which borders the property to the east.

19. Five persons testified individually and as members of the O Street Association in opposition at the public hearing. The concerns expressed by the persons in opposition primarily involved the operation of the convenience store and certain neighborhood problems; including drug, safety and litter problems. One of the persons in opposition, also a resident in the area, was concerned about the noise generated at the station. Another property owner in the area was concerned about potential damage to his building located immediately north of the site. The other citizens were concerned about loitering, security, outdoor vending machines and the possibility that the convenience store might add to the drug activity in the neighborhood. At the end of the public hearing, the Chairperson directed the parties to meet to discuss the issues.

20. A letter was submitted to the record evidencing an agreement reached between the applicant and the persons in opposition at the public hearing. The agreement reflects certain revisions to the construction plans for the site, as well as certain agreements concerning the operation of the facility. To the extent that the agreement reflects zoning issues, they have been incorporated as conditions to this order. As to the non-zoning issues and issues regarding the matter-of-right convenience store use, the Board believes that the private agreement among the parties is the proper method for treating these matters. The Board finds the approval of the application, with the agreements reached among the parties, to be appropriate.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and evidence of record, the Board concludes that the applicant is seeking special exception and variance relief. In order to be granted such a special exception, the applicant must demonstrate that it has complied with the requirements of Sub-section 726.1 and Sub-section 3108.1 of the Zoning Regulations.

The Board concludes that the application meets the requirements for a special exception. The station is located in its entirety in excess of 25 feet from the closest residence district and is separated therefrom by a public alley. All vehicular entrances are in excess of 25 feet from the closest residence district. All driveways are

located more than 40 feet from the closest street intersections, as measured from the curb lines extended. No hoists or grease pits will be associated with the use. The operation will not create any dangerous or other objectionable traffic conditions. The design, appearance and other features will not adversely affect any of the neighboring property owners. The required number of parking spaces will be provided. The proposed renovation will be in harmony with the general purpose and intent of the Zoning Regulations and will not tend to adversely affect the use of neighboring property.

As to the requested variance from the rear yard requirements, the Board concludes that such variance is a rear yard variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that there is an extraordinary or exceptional situation or condition affecting the subject site. The need to maximize maneuvering space on the site necessitates that the service station building be located as far east as possible. In addition, the Board recognizes that if the building were placed seven feet towards the center of the site, that an unusable seven foot space would exist behind the building which would pose security risks and which would collect debris.

The Board concludes that the requested variance relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Maps. The Board further concludes that it has accorded to ANC 2C the "great weight" to which it is entitled.

Accordingly, it is ORDERED that the application is GRANTED, with the following CONDITIONS:


1. Construction of the new Amoco facility shall be as set forth in the plans marked As Exhibit No. 11 of record, except as modified by these conditions.
2. There shall be a wooden stockade fence built along the rear of the site, to a height of 8 feet, with a backup chain link fence along the alley side.
3. Bollards shall be installed along the side lot line abutting the building to the north of the site, rather than a guardrail at this location. The guardrail along the rear property line shall be removed and replaced with bumper stops.

4. Trash cans shall be located adjacent to the curb cuts at each side of the property, and shall be set in concrete or other similar enclosure.

VOTE: 4-0 (William F. McIntosh, Paula L. Jewell,
Charles R. Norris to grant; Carrie L.
Thornhill to grant by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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